

## Message Text

LIMITED OFFICIAL USE

PAGE 01 MANILA 09927 291121Z

50

ACTION EA-14

INFO OCT-01 ADP-00 L-03 H-03 CIAE-00 DODE-00 INR-10

NSAE-00 PA-03 RSC-01 USIA-15 PRS-01 RSR-01 /052 W

----- 082770

R 2910008Z AUG 73

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 7662

INFO CINCPAC

LIMITED OFFICIAL USE MANILA 9927

CINCPAC FOR POLAD

E.O. 11652: NA

TAGS: PINT, RP

SUBJECT: MARCOS ORDERS REINVESTIGATION OF CHARGES AGAINST  
AQUINO

REF: MANILA 9886

BEGIN SUMMARY: PROSECUTION'S INITIAL REACTION TO AQUINO  
TRIAL PLOY DISPLAYS ANGER AND FRUSTRATION. MARCOS  
APPOINTS "IMPARTIAL" FIVE-MAN COMMITTEE TO REINVESTIGATE  
CHARGES AGAINST AQUINO AND REPORT TO SEC JUSTICE. AP  
REPORTS ACTING SEC JUSTICE STATES IT LIKELY CASE WILL  
GO TO CIVILIAN COURTS. WITH PROSECUTION IN APPARENT  
STATE DEFENSIVENESS AND DISARRAY, AQUINO APPEARS TO HAVE  
WON FIRST ROUND THOUGH, IN TIME, MARCOS WILL NO DOUBT  
REGROUP AND RENEW PROSECUTION. END SUMMARY.

1. ACCORDING PRESS, INITIAL PUBLIC RESPONSE OF PROSECUTION  
TO AQUINO'S REFUSAL PARTICIPATE IN HIS OWN TRIAL (REFTEL)  
WAS A NUMBER OF PETULANT STATEMENTS ACCUSING AQUINO OF  
"OLD SOCIETY LAWYERING" AND ATTEMPTING TURN COURTROOM  
INTO POLITICAL FORUM; BREACH OF FAITH IN HIS FAILURE  
ABIDE BY AGREEMENT BOTH SIDES TO ACCEDE TO REQUEST OF  
SUPREME COURT FOR ONE WEEK POSTPONEMENT; UNREASONABLENESS  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MANILA 09927 291121Z

IN TURNING DOWN STANDING OFFER OF AMNESTY AND CONFESSING SINS AGAINST STATE AND, THEREFORE, INCONSISTENCY IN NOW REFUSING FACE TRIAL.

2. IN FURTHER RESPONSE TO AQUINO'S STRATEGY PRESIDENT MARCOS HAS ANNOUNCED CREATION OF A FIVE-MAN COMMISSION TO CONDUCT A REINVESTIGATION OF CHARGES. PURPOSE OF REINVESTIGATION IS "TO DEMONSTRATE THAT EVERYTHING IS BEING DONE TO INSURE UTMOST FAIRNESS, IMPARTIALITY AND OBJECTIVITY IN THE PROSECUTION " AND TO DETERMINE AGAIN WHETHER REASONABLE GROUND EXISTS FOR THE CHARGES.

3. A COMMITTEE WAS ORDERED ESTABLISHED TO BE COMPOSED OF FIVE MEMBERS AS FOLLOWS: A RETIRED JUSTICE OF THE SUPREME COURT TO BE DESIGNATED BY THE CHIEF JUSTICE AS CHARIMAN AND FOUR MEMBERS TO BE DESIGNATED RESPECTIVELY BY THE ACCUSED HIMSELF, THE INTEGRATED BAR OF THE PHILIPPINES, THE SECRETARY OF JUSTICE AND THE SECRETARY OF NATIONAL DEFENSE.SHOULD AQUINO DECLINE TO DESIGNATE A REPRESENTATIVE, THE CHIEF JUSTICE SHALL DESIGNATE SOMEONE IN HIS STEAD. THE COMMITTEE IS TO CONDUCT ITS INVESTIGATION AS EXPEDITIOUSLY AS POSSIBLE AND SUBMIT ITS FINDINGS TO SECRETARY OF JUSTICE. NO NAMES YET ANNOUNCED.

4. AP REPORT QUOTES ACTING SEC JUSTICE MACARAIG AS SAYING, "IT'S VERY LIKELY THE CASE WILL GO THE CIVILIAN COURTS".

5. COMMENT: ASPECTS OF AQUINO CASE NOW BEING DEALT WITH VARIOUSLY IN SUPREME COURT. MILITARY COMMISSION #2, WHICH MAY OR MAY NOT EVENTUALLY RESUME ITS PROCEEDING, AND THE NEWLY-CREATED COMMITTEE. AQUINO HAS REFUSED TO PLAY PROSECUTION'S GAME OF ATTEMPTING DEFEND HIMSELF AGAINST ORDERLY DEVELOPMENT OF CASE AGAINST HIM AS DISLOYAL SUBVERSIVE. INSTEAD, HE TOOK THE OFFENSIVE AGAINST MARCOS AND THE NEW SOCIETY.IT IS INTERESTING TO NOTE THE DEGREE TO WHICH PROSECUTION HAS BEEN THROWN INTO APPARENT STATE OF DEFENSIVENESS AND DISARRAY BY AQUINO'S FAIRLY PREDICTABLE CHARGE OF PREJUDICE, EVEN THOUGH CLOTHED IN IMAGINATIVE FORM. BOTH SECJUSTICE AND LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 MANILA 09927 291121Z

SOLICITOR GENERAL ARE CURRENTLY OUT OF COUNTRY. WHILE THERE IS LITTLE DOUBT THAT MARCOS WILL REGROUP AND RESUME PROSECUTION IN TIME, HE HAS LOST THE INITIAL ROUND AND HE WOULD NOW SEEM WELL ADVISED BRING IN HIS FIRST STRING LAWYERS.  
PURNELL

LIMITED OFFICIAL USE

NNN

\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* LIMITED OFFICIAL USE

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 29 AUG 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973MANILA09927  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** n/a  
**Errors:** n/a  
**Film Number:** n/a  
**From:** MANILA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1973/newtext/t19730867/aaaajwku.tel  
**Line Count:** 118  
**Locator:** TEXT ON-LINE  
**Office:** ACTION EA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 73 MANILA 9886  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 04 DEC 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <04-Dec-2001 by kelleyw0>; APPROVED <21-Dec-2001 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** <DBA CORRECTED> gwr 980310  
**Subject:** MARCOS ORDERS REINVESTIGATION OF CHARGES AGAINST AQUINO  
**TAGS:** PINT, RP, PINT, (AQUINO, BENIGNO)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005